

DISTRICT ATTORNEY

OF THE

COUNTY OF NEW YORK

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CYRUS R. VANCE, JR.

DISTRICT ATTORNEY

June 29, 2017

Hon. Vernon S. Broderick
United States District Judge
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square, Courtroom 518
New York, New York 10007

Re: Blue v. City of New York et al., 16 CV 09990 (VSB)

Dear Judge Broderick:

On behalf of District Attorney Cyrus R. Vance and Assistant District Attorney Erica O'Brien, I respectfully submit this letter regarding plaintiff's proposed Order to Show Cause.

I am in receipt, via ECF, of a proposed Order to Show Cause submitted by plaintiff that was filed on ECF on June 28, 2017 and has not been signed by the Court. By the Order to Show Cause, plaintiff seeks default judgment against the DA defendants for their alleged failure to respond to the complaint. The DA defendants filed and served a motion to dismiss on Friday, June 16, 2017 -- ahead of the deadline set by the Court for their response to the complaint. Copies of the motion papers were served on plaintiff at his address of record that same day; presumably, given the intervening weekend and plaintiffs' status as an incarcerated inmate, he did not receive the papers by June 19th, which is the date he signed the proposed Order to Show Cause. As the DA defendants timely filed and served their response, an Order to Show Cause is not warranted.

The DA defendants thank the Court for its consideration of this letter.

Respectfully submitted,

/s

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cc: **BY FIRST CLASS MAIL**

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VIA ECF CITY DEFENDANTS

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